

83-15-I

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March 23, 1983

Stephen H. Taylor, Commissioner
N.H. Department of Agriculture
85 Manchester Street
Concord, NH 03301

Dear Commissioner Taylor:

By memorandum of February 7, 1983, you have requested our opinion whether a gasoline station operator offering a lawful "discount-for-cash" program may post the discounted cash price in addition to the full credit price posted on his pumps.

RSA 339-B:8,II (Supp. 1981) provides that it shall be unlawful to "post a different price at one pump for the same grade of gasoline as is dispensed from another pump." Accordingly, as the statute allows the posting of only one price in this situation, a gasoline station operator may not post the lower cash discounted price. This, however, does not preclude the posting of signs advising the public of the availability and amount of a particular "discount-for-cash".

For example, where a four cent discount is offered on a credit price of \$1.20 an operator may not post a price of \$1.16. He may, however, post signs advising the public of the four cent discount.

If you have any questions on this matter, feel free to contact me.

Very truly yours,

Peter T. Foley
Attorney
Division of Legal Counsel

PTF/gla

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